

LN037-E

L.N. 37 of 2000

Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built on or After 1 September 1984)

(Amendment) Regulation 2000

(Made under section 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Economic Services by notice in the Gazette.

2. Inclining and stability information

Regulation 9A(4) of the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) is amended by repealing "and" where it thirdly appears and substituting "Ship".

3. Survey requirements

Regulation 81 is amended---

(a) in subregulation (1)---

(i) in paragraph (a)---

(A) by repealing "a" where it secondly appears and substituting "an initial";

(B) by adding "or before a Passenger Ship Safety Certificate or a Passenger Certificate is issued in respect of the ship for the first time" at the end;

(ii) by repealing paragraph (b) and substituting---

"(b) a renewal survey at least once every 12 months for the renewal of the Passenger Ship Safety Certificate, or Passenger Certificate;"

(b) in subregulation (2)(b), by repealing "and" where it first appears and substituting "Ship".

4. Maintenance of conditions after survey

Regulation 82(1) is amended by repealing "and" where it secondly appears and substituting "Ship".

5. Issue of certificates

Regulation 83 is amended---

(a) in subregulation (1)---

(i) by repealing "and" where it first appears and substituting "Ship";

(ii) by adding "The Passenger Ship Safety Certificate shall be supplemented by a Record of Equipment." at the end;

(b) by adding---

"(3) In this regulation, "Record of Equipment" (設備紀錄) means a record issued

by the Director or a person authorized by him setting out the details of safety equipment provided on a ship on the date of issue of the Passenger Ship Safety Certificate."

6. Duration and validity of certificates

Regulation 84 is amended---

(a) in subregulation (1), by repealing "a period not exceeding 12 months" and substituting "12 months from the date of issue or for such shorter period as may be specified in the certificate";

(b) in subregulation (2), by repealing "and" where it first appears and substituting "Ship";

(c) in subregulation (3)---

(i) by repealing "five" and substituting "3";

(ii) by adding at the end---

"When the renewal survey of the ship is completed, the new certificate issued in consequence of the survey shall be valid for 12 months from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the Director considers it is appropriate in the special circumstances of the case, valid for 12 months from the date of completion of the survey or for such shorter period as may be specified in the certificate.";

(d) by repealing subregulation (4) and substituting---

"(4) The Director may, on the application of the owner, agent or master of a ship of Class IIA, grant an extension of a Passenger Certificate issued in respect of the ship for a period not exceeding 1 month from the date of expiry of the certificate.";

(e) by adding---

"(5) Where a ship in respect of which a Passenger Ship Safety Certificate has been issued is registered in Hong Kong and engaged on short voyages, and the certificate has not been extended under section 29 of the Ordinance nor this regulation, the Director may, on the application of the owner, agent or master of the ship, grant an extension of the certificate for a period not exceeding 1 month from the date of expiry of the certificate. When the renewal survey of the ship is completed, the new certificate issued in consequence of the survey shall be valid for 12 months from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the Director considers it is appropriate in the special circumstances of the case, valid for 12 months from the date of completion of the survey or for such shorter period as may be specified in the certificate.

(6) A Passenger Ship Safety Certificate shall cease to be valid---

- (a) if the relevant surveys are not carried out within the periods specified under regulation 81(1);
- (b) if the certificate is not endorsed in accordance with these regulations; or
- (c) if the ship was registered in Hong Kong when the certificate was issued and has ceased to be so registered."

7. Penalties

Regulation 86(1) is amended by repealing "81(1)" and substituting "81(1)(a) and (b)".

8. Savings

Any certificate issued under regulation 83 of the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) ("principal Regulations") before the commencement of this Regulation which is valid immediately before that commencement shall remain in force for the unexpired period of its validity left to run as from that commencement as if the certificate had been issued under regulation 83 as amended by this Regulation and for that period of validity, and the provisions of the principal Regulations as amended by this Regulation shall apply accordingly.

Stephen IP

Secretary for Economic Services

18 January 2000

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) to give effect to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974. The Protocol shall come into operation on 3 February 2000.

2. The Regulation provides for the period of validity of the Passenger Ship Safety Certificate and the extension of the Passenger Ship Safety Certificate and the Passenger Certificate.